

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #14	CCRB Case #: 202100165	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/15/2020 2:20 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 6/15/2022	EO SOL 6/15/2022	
Date/Time CV Reported Thu, 01/07/2021 10:05 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 01/07/2021 10:05 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Abir Noor	21625	959847	PSA 2
2. POM John Espinal	19909	962383	PSA 2
3. SGT Firdaus Mehirdel	02881	950309	PSA 2
4. POM Ibrahim Adam	20396	958214	INT CIS
5. LT Favio Quizhpi	00000	948119	PSA 2
6. POM Christophe Desimone	06317	958495	INT CIS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Shena Richards	00000	932806	PSA 2
2. POM David Thompson	19571	959297	PSA 2
3. POM Sayed Mashriqi	04017	960897	PSA 2
4. POM Stephen Penaranda	01487	937263	PSA 2
5. SGT Robert Mcnamara	05103	945814	075 PCT
6. POM Dragan Kacanski	13559	957722	PSA 2
7. POF Lisa Petrocelli	20020	959068	PSA 2
8. POM Leon Pedigo	18445	944883	PSA 2
9. POM Jonathan Frith	07626	953885	INT CIS
10. PO GREGORY BRICCA	13762	956455	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Abir Noor	Abuse: Police Officer Abir Noor damaged § 87(2)(b) s property.	
B.POM John Espinal	Abuse: Police Officer John Espinal damaged § 87(2)(b) s property.	
C.POM Christophe Desimone	Abuse: Police Officer Christophe Desimone damaged § 87(2)(b) s property.	

Officer(s)	Allegation	Investigator Recommendation
D.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam damaged § 87(2)(b)'s property.	
E.POM John Espinal	Abuse: Police Officer John Espinal threatened to arrest § 87(2)(b)	
F.POM John Espinal	Abuse: Police Officer John Espinal threatened to arrest § 87(2)(b)	
G.POM John Espinal	Abuse: Police Officer John Espinal threatened to arrest an individual.	
H.POM Abir Noor	Abuse: Police Officer Abir Noor threatened to arrest § 87(2)(b)	
I.POM Abir Noor	Abuse: Police Officer Abir Noor threatened to arrest § 87(2)(b)	
J.POM Abir Noor	Abuse: Police Officer Abir Noor threatened to arrest an individual.	
K.POM John Espinal	Abuse: Police Officer John Espinal threatened to damage § 87(2)(b)'s property.	
L.POM Abir Noor	Discourtesy: Police Officer Abir Noor spoke discourteously to § 87(2)(b)	
M.POM Abir Noor	Abuse: Police Officer Abir Noor threatened to damage § 87(2)(b)'s property.	
N.POM Abir Noor	Abuse: Police Officer Abir Noor entered § 87(2)(b) in Brooklyn.	
O.POM John Espinal	Abuse: Police Officer John Espinal entered § 87(2)(b) in Brooklyn.	
P.POM Christophe Desimone	Abuse: Police Officer Christopher Desimone entered § 87(2)(b) in Brooklyn.	
Q.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam entered § 87(2)(b) in Brooklyn.	
R.SGT Firdaus Mehirdel	Abuse: Sergeant Firdaus Mehirdel entered § 87(2)(b) in Brooklyn.	
S.POM John Espinal	Force: Police Officer John Espinal used physical force against § 87(2)(b)	
T.POM John Espinal	Abuse: Police Officer John Espinal threatened to arrest § 87(2)(b)	
U.POM John Espinal	Discourtesy: Police Officer John Espinal spoke discourteously to § 87(2)(b)	
V.POM John Espinal	Abuse: Police Officer John Espinal threatened § 87(2)(b) with the use of force.	
W.POM John Espinal	Force: Police Officer John Espinal used physical force against § 87(2)(b) dog.	
X.POM John Espinal	Abuse: Police Officer John Espinal detained § 87(2)(b)	
Y.POM Abir Noor	Abuse: Police Officer Abir Noor frisked § 87(2)(b)	
Z.POM Abir Noor	Abuse: Police Officer Abir Noor searched § 87(2)(b)	
2A.POM Abir Noor	Abuse: Police Officer Abir Noor detained § 87(2)(b)	
2B.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam detained § 87(2)(b)	
2C.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam refused to provide his name to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
2D.POM Abir Noor	Abuse: Police Officer Abir Noor failed to provide § 87(2)(b) with a business card.	
2E.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam failed to provide § 87(2)(b) with a business card.	
2F.POM Christophe Desimone	Abuse: Police Officer Christophe Desimone threatened to notify Administration for Children's Services.	
2G.POM Christophe Desimone	Abuse: Police Officer Christophe Desimone threatened to arrest § 87(2)(b)	
2H.LT Favio Quizhpi	Abuse: Lieutenant Favio Quizhpi entered § 87(2)(b) in Brooklyn.	
2I.LT Favio Quizhpi	Abuse: Lieutenant Favio Quizhpi searched § 87(2)(b) in Brooklyn.	
2J.LT Favio Quizhpi	Abuse: Lieutenant Favio Quizhpi failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On January 7, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System regarding an incident that occurred at her residence involving her § 87(2)(b)-old son, § 87(2)(b), her § 87(2)(b)-old nephew, § 87(2)(b), and her § 87(2)(b)-old daughter, § 87(2)(b). § 87(2)(b) was not present during the initial entry but arrived on scene later while officers were still present.

On December 15, 2020, at approximately 2:20 PM, Police Officer Abir Noor, Police Officer John Espinal, Police Officer Ibrahim Adam, and Sergeant Firdaus Mehirdel, all of PSA 2, and Police Officer Christopher Desimone, of the Criminal Intelligence Section of the Intelligence Bureau, responded to § 87(2)(b) residence at § 87(2)(b) § 87(2)(b) in Brooklyn to apprehend § 87(2)(b) regarding a robbery that occurred approximately 20 minutes earlier.

Upon arrival, the officers spoke with § 87(2)(b) and § 87(2)(b) through the closed apartment door. § 87(2)(b) and her sister, who remained unidentified to the investigation, were also inside the apartment. Police Officer Noor, Police Officer Espinal, Police Officer Desimone, and Police Officer Adam allegedly damaged the front door by placing their batons in between the door frame and the door (**Allegations A-D: Abuse of Authority**, § 87(2)(g)). Police Officer Espinal and Police Officer Noor allegedly threatened arrest everybody inside the apartment (**Allegations E-J, Abuse of Authority**, § 87(2)(g)) and Police Officer Espinal threatened to break down the door (**Allegation K: Abuse of Authority**, § 87(2)(g)). Police Officer Noor told § 87(2)(b) to “open the fucking door” and said that he was going to “break this shit” (**Allegation L: Discourtesy**, § 87(2)(g)). (§ **Allegation M: Abuse of Authority**, § 87(2)(g)). § 87(2)(g) § 87(2)(b) and § 87(2)(b) opened the apartment door and Police Officer Noor, Police Officer Espinal, Police Officer Desimone, Police Officer Adam, and Sergeant Mehirdel entered § 87(2)(b) apartment (**Allegation N-R: Abuse of Authority**, § 87(2)(g)).

The officers handcuffed § 87(2)(b) and Police Officer Espinal pushed § 87(2)(b) in the chest, threatened to arrest him, said, “I’ll cuff your ass right now,” and threatened him with force (**Allegation S: Force**, § 87(2)(g)). (**Allegation T: Abuse of Authority**, § 87(2)(g)). (**Allegation U: Discourtesy, Exonerated, Allegation V: Exonerated**). Police Officer Espinal allegedly kicked the family dog (**Allegation W: Force, Unfounded**), handcuffed § 87(2)(b) and released him shortly after (**Allegation X: Abuse of Authority, Unfounded**).

Once § 87(2)(b) was in handcuffs, Police Officer Noor frisked him (**Allegation Y: Abuse of Authority**, § 87(2)(g)) and then searched him (**Allegation Z: Abuse of Authority**, § 87(2)(g)). The complainant for the robbery was ultimately uncooperative, so Police Officer Espinal and Police Officer Noor released § 87(2)(b) (**Allegation AA and AB: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) allegedly asked for Police Officer Adam’s name throughout the incident, and he allegedly did not provide it (**Allegation AC: Abuse of Authority**, § 87(2)(g)). Police Officer Noor and Police Officer Adam allegedly did not provide their business cards to § 87(2)(b) (**Allegation AD: Abuse of Authority**, § 87(2)(g)). (**Allegation AE: Abuse of Authority**, § 87(2)(g)).

Shortly after, § 87(2)(b) and her husband, § 87(2)(b) arrived on scene and § 87(2)(b) spoke with Police Officer Desimone and Lieutenant Favio Quizhpi, of PSA 2, about consent to search. Police Officer Desimone told § 87(2)(b) that if the officers obtained a warrant, ACS would be notified (**Allegation AF: Abuse of Authority**, § 87(2)(g)) and everyone in the apartment would be placed under arrest (**Allegation AG: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) gave consent to search, and the officers entered and searched the apartment under the direction of Lieutenant Quizhpi (**Allegation AH and AI: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) revoked her consent, the officers stopped searching, and Lieutenant Quizhpi left without providing a business card to § 87(2)(b) (**Allegation AJ: Abuse of Authority**, § 87(2)(g)). No civilians were arrested or summonsed during this incident.

§ 87(2)(g)

Body-worn camera (BWC) footage was received from Police Officer Noor, Police Officer Espinal, Sergeant Mehirdel, Police Officer Ibrahim Adam, Police Officer Christopher Desimone, and Lieutenant Quizhpi. BWC footage was also received from Police Officer Robert McNamara, of the 75th Precinct, Police Officer Jonathan Frith, of the Criminal Intelligence Section of the Intelligence Bureau, and Police Officer Sayed Mashriqi, Police Officer Stephen Penaranda, Police Officer Dragan Kacanski, Police Officer Lisa Petrocelli, Police Officer Leon Pedigo, Police Officer Gregory Bricca, Lieutenant Shena Richards, Police Officer David Thompson, all of PSA 2. The footage is attached in IAs #46, #48-62, #141-156 (**BR 09; BR 12; BR 14-15; BR 17; BR 19; BR 22; BR 24-28-BR 48**) and summarized in IA #198 (**BR 61**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Abir Noor damaged § 87(2)(b) s property.

Allegation (B) Abuse of Authority: Police Officer John Espinal damaged § 87(2)(b) s property.

Allegation (C) Abuse of Authority: Police Officer Christophe Desimone damaged § 87(2)(b) s property.

Allegation (D) Abuse of Authority: Police Officer Ibrahim Adam damaged § 87(2)(b) s property.

It is undisputed that Police Officer Noor, Police Officer Espinal, Police Officer Desimone, and Police Officer Adam went to § 87(2)(b) apartment because they received a radio run that § 87(2)(b) committed a robbery at Crown Fried Chicken approximately 30 minutes prior and allegedly took \$20. The officers were familiar with § 87(2)(b) because he was gang-affiliated and had an arrest history § 87(2)(b), and they knew he resided at § 87(2)(b) apartment. The officers had not seen or interacted with § 87(2)(b) on the night of the incident prior to arriving at the apartment. Upon their arrival, the officers knocked on the door and said they were looking for § 87(2)(b) and § 87(2)(b) were inside the apartment and did not open the door right away.

§ 87(2)(b) stated that as the officers were knocking on the door, they started breaking the front door by putting their batons in between the door and the door frame to try and break into the apartment, which was possible because the door was already slightly damaged prior to the incident.

§ 87(2)(b) did not mention witnessing the officers cause damage to the door, but stated he noticed damage to the door and door lock after the incident, which had not been there prior to the incident. § 87(2)(b) stated that after this incident, the door lock was partially malfunctioning, and § 87(2)(b) stated that the door had difficulty closing fully and locking.

Police Officer Noor, Police Officer Espinal, Police Officer Desimone, Police Officer Adam, and Sergeant Mehirdel consistently stated that none of the officers put an instrument in between the front door of the apartment and the door frame and none of the officers recalled any officers causing damage to the door during the incident.

Police Officer Noor's (**BR 09**), Police Officer Adam's (**BR 12**), Police Officer Desimone's (**BR 15**), and Police Officer Espinal's (**BR 14**) BWC videos begin as they are outside § 87(2)(b) apartment knocking on the door. The footage does not depict any officers causing damage to the door and it does not depict any visible damage to the door. The footage specifically does not depict the lock on the door malfunctioning, and also does not capture the lock being used during the incident.

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer John Espinal threatened to arrest § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer John Espinal threatened to arrest § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer John Espinal threatened to arrest

§ 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Abir Noor threatened to arrest § 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Abir Noor threatened to arrest § 87(2)(b)

Allegation (J) Abuse of Authority: Police Officer Abir Noor threatened to arrest

§ 87(2)(b)

Allegation (K) Abuse of Authority: Police Officer John Espinal threatened to damage § 87(2)(b)
property.

§ 87(2)(b) stated that as the officers were knocking on the door, Police Officer Espinal and Police Officer Noor threatened to arrest “everybody in the house” and Police Officer Espinal threatened to break down the door. § 87(2)(b) made no mention of any officers making any threats to arrest anyone or break down the door during the incident.

Police Officer Adam (BR 58), Police Officer Desimone (BR 57), and Sergeant Mehirdel (BR 59) consistently stated they had no knowledge of Police Officer Espinal or Police Officer Noor threatening to arrest everybody inside the apartment or Police Officer Espinal threatening to break down the door.

Police Officer Espinal (BR 55) and Police Officer Noor (BR 56) denied threatening to arrest everybody inside the apartment and Police Officer Espinal denied threatening to break down the door.

Police Officer Noor’s (BR 09), Police Officer Adam’s (BR 12), Police Officer Desimone’s (BR 15), , and Police Officer Espinal’s (BR 14) BWC videos begin as the officers are already outside § 87(2)(b) apartment knocking on the door. Sergeant Mehirdel’s (BR 19) BWC video begins as he arrives at § 87(2)(b) floor where Police Officer Noor, Police Officer Adam, Police Officer Desimone, and Police Officer Espinal are already outside the apartment door. None of the footage depicts any officers threatening to arrest anyone inside the apartment and it does not depict Police Officer Espinal threatening to break down the door.

§ 87(2)(g)

Allegation (L) Discourtesy: Police Officer Abir Noor spoke discourteously to § 87(2)(b)

Allegation (M) Abuse of Authority: Police Officer Abir Noor threatened to damage § 87(2)(b) property.

Allegation (N) Abuse of Authority: Police Officer Abir Noor entered § 87(2)(b) in Brooklyn.

Allegation (O) Abuse of Authority: Police Officer John Espinal entered § 87(2)(b) in Brooklyn.

Allegation (P) Abuse of Authority: Police Officer Christopher Desimone entered § 87(2)(b) in Brooklyn.

Allegation (Q) Abuse of Authority: Police Officer Ibrahim Adam entered § 87(2)(b) in Brooklyn.

Allegation (R) Abuse of Authority: Sergeant Firdaus Mehirdel entered § 87(2)(b) in Brooklyn.

It is undisputed that while speaking with § 87(2)(b) through the closed door, Police Officer Noor threatened to damage the door and used profanity. The door was opened from the inside and Police Officer Noor, Police Officer Espinal, Police Officer Desimone, and Police Officer Adam immediately entered the apartment and the handcuffed § 87(2)(b). None of the occupants gave the officers consent to enter the apartment and there were no active warrants for § 87(2)(b) or the apartment itself (**BR 65; BR 20**).

Police Officer Noor stated he said something about opening “the fucking door” and, “I’m gonna break this shit.” Police Officer Noor made these statements because he was in the heat of the moment and he was concerned for officer safety because of § 87(2)(b)’s violent criminal history, his known gang-affiliation, his tendency to carry a firearm, and his alleged involvement in a robbery on the date of the incident. Police Officer Noor explained he was trying everything within his power to get § 87(2)(b) to come out voluntarily by using his words.

Police Officer Noor and Police Officer Desimone both stated that the occupants inside the apartment were not obligated to open the door during the incident. Police Officer Adam stated that if § 87(2)(b) did not cooperate and open the door, then the officers would have to get a search warrant and call ESU to break down the door.

Sergeant Mehirdel stated that when he arrived on scene, instructed other units over the radio to set a perimeter up around the building in case § 87(2)(b) discarded a weapon. Sergeant Mehirdel had not given any instructions to any officers about entering the apartment or taking § 87(2)(b) into custody. Sergeant Mehirdel was unable to pinpoint whose decision it was for the officers to enter, and he was unable to speak to the reason the officers did so. Sergeant Mehirdel had no reason to believe there was an emergency inside the apartment that was threatening the lives or safety of any individuals. Sergeant Mehirdel acknowledged stepping across the threshold of the apartment with half of his body after the officers entered because he heard noises coming from inside and he wanted to see if everything was alright.

Police Officer Desimone, Police Officer Espinal, Police Officer Adam, and Police Officer Noor consistently stated that the sole reason they entered the apartment was to detain § 87(2)(b) to conduct a show up regarding the robbery he had been accused of. Police Officer Desimone, Police Officer Noor, and Police Officer Adam all stated they had safety concerns at the time that they entered because § 87(2)(b) had a history involving firearms. Police Officer Adam, Police Officer Espinal, Police Officer Noor, and Sergeant Mehirdel did not know if a weapon was reportedly involved in the robbery, but Police Officer Desimone stated there was no report of one used.

At 01:00 into Police Officer Noor’s BWC video (**BR 09**), he says, “If you don’t open this

door, I'm gonna break this shit." Police Officer Noor is not depicted making the statement, "Open the fucking door."

At 01:00 into Police Officer Desimone's BWC video (**BR 15**), Police Officer Desimone asks § 87(2)(b) where § 87(2)(b) is and § 87(2)(b) says § 87(2)(b) is coming out. Police Officer Desimone says § 87(2)(b) must come out right now. § 87(2)(b) tells Police Officer Desimone not to push past the door after § 87(2)(b) comes out. At 03:35 into the video, § 87(2)(b) opens the door and tells the officers, "Do not push past." The officers immediately enter and Police Officer Noor and Police Officer Adam handcuff § 87(2)(b) who is standing on the other side of the door.

At 06:00 into Police Officer Espinal's BWC video (**BR 14**), the officers exit the apartment with § 87(2)(b) and Police Officer Espinal remains in the doorway refusing to allow § 87(2)(b) to close the door. At 08:40 into the video, Sergeant Mehirdel tells Police Officer Espinal they are freezing the apartment and Police Officer Espinal remains in the doorway.

Patrol Guide Procedure 200-02 (**BR 07**) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may use profanities "in the context of a dynamic situation over which [he or she is] attempting to gain control," but may not do so when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (**BR 08**).

In Payton v. New York 445 U.S. 573 (**BR 16**), the court held that police are prohibited from making warrantless and nonconsensual entry into suspects' homes in order to make routine felony arrests absent exigent circumstances. In People v. Cloud 168 A.D.2d 91 (**BR 71**) it was established that in considering whether exigent circumstances are sufficient to support warrantless entry of a premises to effect an arrest, a court should consider, among other factors, the gravity or violent nature of the offense with which the suspect is to be charged, a strong reason to believe that the suspect is in the premises being entered, whether the suspect is reasonably believed to be armed, a likelihood that the suspect will escape if not swiftly apprehended, a clear showing of probable cause to believe that the suspect committed the crime, and the peaceful circumstances of the entry of the area where the suspect will be arrested.

Event Information § 87(2)(b) (**BR 11**) shows that the radio run reported a robbery of \$20 from Crown Fried Chicken, approximately 30 minutes prior. The radio run named "§ 87(2)(b) § 87(2)(b) as the perpetrator, described him as a 6'2" tall Black male, and provided his address as § 87(2)(b) § 87(2)(b). The Event Chronology shows a unit was requested to the front of the building on the window side. The Event Information makes no mention of a weapon used in the commission of this robbery and the corresponding police radio communications audio (**BR 66**) also makes no mention of a reported weapon.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (S) Force: Police Officer John Espinal used physical force against § 87(2)(b)

Allegation (T) Abuse of Authority: Police Officer John Espinal threatened to arrest § 87(2)(b)

Allegation (U) Discourtesy: Police Officer John Espinal spoke discourteously to § 87(2)(b)

Allegation (V) Abuse of Authority: Police Officer John Espinal threatened § 87(2)(b) with the use of force.

Allegation (W) Force: Police Officer John Espinal used physical force against § 87(2)(b) dog.

Allegation (X) Abuse of Authority: Police Officer John Espinal detained § 87(2)(b)

It is undisputed that when the officers entered the apartment, Police Officer Espinal pushed § 87(2)(b) in the chest more than once and threatened to arrest him. § 87(2)(b) dog was nearby, and Police Officer Espinal told § 87(2)(b) to get the dog away.

§ 87(2)(b) stated that after Police Officer Espinal pushed him and told him he would arrest him, Police Officer Espinal put him in handcuffs. Police Officer Espinal also kicked the family dog, § 87(2)(b) before the officers brought § 87(2)(b) outside the apartment building. § 87(2)(b) came to the apartment and at the time he arrived, Police Officer Espinal had removed § 87(2)(b)'s handcuffs.

§ 87(2)(b) stated that at some point, Police Officer Espinal kicked the family dog while saying, "Get your dog, get him out of here." § 87(2)(b) was not at the apartment during the time § 87(2)(b) was allegedly handcuffed.

None of the officers had any knowledge of an interaction between Police Officer Espinal and § 87(2)(b) inside the apartment.

Police Officer Espinal stated that as the officers were handcuffing § 87(2)(b) § 87(2)(b) attempted to come closer to § 87(2)(b) Police Officer Espinal believed § 87(2)(b) was trying to get around him and intervene with § 87(2)(b)'s arrest. Police Officer Espinal pushed § 87(2)(b) in his torso more than one time with his forearm because § 87(2)(b) kept coming toward him. Police Officer Espinal told § 87(2)(b) that if he did not step back and if he intervened, then he would be handcuffed. In this moment, § 87(2)(b) could have been arrested for interfering with an arrest.

Police Officer Espinal stated he used profanity when he told § 87(2)(b) "I'll cuff your ass" because it was a high intensity situation, people were yelling, and he was trying to maintain control. Police Officer Espinal denied kicking the family dog during the incident. At one point, § 87(2)(b) put a cell phone in Police Officer Espinal's face within reaching distance. Police Officer Espinal said, "Get that phone out of my face or I'm gonna slap it out of your hand" because he did not know what § 87(2)(b) was going to do with the phone and because it was not safe for § 87(2)(b) to be that close.

At 04:00 into Police Officer Espinal's BWC video (**BR 14**), the officers enter the apartment, § 87(2)(b) and § 87(2)(b) are standing in front of the doorway, the officers tell § 87(2)(b) to back up. Police Officer Espinal approaches § 87(2)(b) and pushes him back with his forearm as he tells him to back up. At 04:30 into the video, § 87(2)(b) walks down the hallway from where § 87(2)(b) is, and Police Officer Espinal follows him. § 87(2)(b) grabs a sweatshirt and says, "Excuse me" as he attempts to walk by Police Officer Espinal, who pushes him in the chest with both hands. Police Officer Espinal says, "Get your dog back too." At 4:50 into the video,

Police Officer Espinal tells § 87(2)(b) to back his dog up as he points into the living room.

At 05:05 into the video, § 87(2)(b) appears to attempt to walk past Police Officer Espinal toward § 87(2)(b) and Police Officer Espinal puts his forearm up to § 87(2)(b)'s chest. § 87(2)(b) tells Police Officer Espinal to stop pushing him and Police Officer Espinal says, "Come at me again and you're gonna see what's gonna happen," repeatedly asks § 87(2)(b) if he wants to "get cuffed," and says, "I'll cuff your ass right now."

At 05:40 into the video, § 87(2)(b) is on speakerphone with § 87(2)(b) and is holding the phone up inches away from Police Officer Espinal. Police Officer Espinal tells him, "Get that phone out of my face or I'm gonna slap it out of your hand. You wanna play like that? You wanna play? Cause I'll cuff you right now. Play with me." At 28:00 into Police Officer Espinal's footage, § 87(2)(b) arrives at the apartment. The footage does not depict Police Officer Espinal kick the family dog or handcuff § 87(2)(b) at any point.

Patrol Guide Procedure 221-01 (BR 51) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.

Section 195.05 of New York Penal Law (BR 52) states a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act.

Patrol Guide Procedure 200-02 (BR 07) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may use profanities "in the context of a dynamic situation over which [he or she is] attempting to gain control," but may not do so when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 08).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (Y) Abuse of Authority: Police Officer Abir Noor frisked § 87(2)(b)

Allegation (Z) Abuse of Authority: Police Officer Abir Noor searched § 87(2)(b)

Allegation (AA) Abuse of Authority: Police Officer Abir Noor detained § 87(2)(b)

Allegation (AB) Abuse of Authority: Police Officer Ibrahim Adam detained § 87(2)(b)

It is undisputed that once that the officers entered the apartment, Police Officer Noor and Police Officer Adam took § 87(2)(b) into custody to conduct a show up with the complainant of the robbery for which he was named the perpetrator. Police Officer Noor frisked and searched § 87(2)(b).

§ 87(2)(b) and no weapons or contraband were found on his person. The robbery complainant was uncooperative with the show up and Police Officer Noor and Police Officer Adam released § 87(2)(b) per the instruction of Lieutenant Quizhpi. § 87(2)(b) was not summonsed.

Police Officer Noor stated he was allowed to frisk and search § 87(2)(b) because he was in custody and the officers had a positive identification of him from the beginning of the incident since they were told his name and address. Police Officer Noor frisked § 87(2)(b)'s waistband to ensure he did not have any weapons or contraband.

Police Officer Adam stated, while § 87(2)(b) was in handcuffs, he was considered under arrest and frisking him was incident to his arrest. Police Officer Adam did not know if Police Officer Noor searched § 87(2)(b)'s pockets, but the officers would have been allowed to also search § 87(2)(b) as incident to his arrest. Police Officer Adam did not observe anything on § 87(2)(b)'s person that indicated that he may have had a weapon, but § 87(2)(b) being named the perpetrator of a robbery raised concern that he may have also had a firearm.

Police Officer Desimone, Police Officer Espinal, and Sergeant Mehirdel did not recall § 87(2)(b) being frisked or searched during the incident.

At 04:00 into Police Officer Noor's BWC video (**BR 09**), the officers enter the apartment and Police Officer Noor handcuffs § 87(2)(b). Police Officer Noor tells § 87(2)(b) he is being detained and frisks his pants pocket. At 05:05 into the video, Police Officer Noor searches § 87(2)(b)'s pants pocket and pulls out a key.

Event Information #§ 87(2)(b) (**BR 11**) shows that the 911 caller reporting the robbery provided the name "§ 87(2)(b) § 87(2)(b)" described the perpetrator as a 6'2" tall Black male and provided his address as § 87(2)(b) § 87(2)(b).

Stop Report #2020-075-000303 (**BR 21**), prepared by Police Officer Adam during the incident, states officers responded to a report of a robbery 20 minutes in the past, for which the dispatcher stated § 87(2)(b) who was known to the department, had robbed someone of their money. The dispatcher provided § 87(2)(b)'s description as a Black male wearing all black, approximately 6'1" to 6'2" tall and walking with a limp because he had recently been shot. § 87(2)(b) was stopped at his residence to conduct a show up, where the complainant failed to identify § 87(2)(b) and became uncooperative. § 87(2)(b) was frisked after being placed in handcuffs for any weapons that may hurt him or officers due to the nature of the alleged crime. The report states § 87(2)(b) was not searched, and no weapons or contraband were found on his person.

In People v. DeBour 40 N.Y.2d 210 (**BR 69**), the court held that an officer can frisk § 87(2)(b) if the officer reasonably suspects that the individual is armed and dangerous.

In People v. Reid, 24 N.Y.3d 615 (**BR 70**), the court held that a search must be incident to an actual arrest, not just to probable cause that might have led to an arrest but did not. The "search incident to arrest" doctrine, by its nature, requires proof that, at the time of the search, an arrest has already occurred or is about to occur.

In Rodriguez v. United States, 575 U.S. 348 (**BR 13**), the court held that police stop exceeding the time needed to handle the matter for which the stop was made violates the United States Constitution's shield against unreasonable seizures.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (AC) Abuse of Authority: Police Officer Ibrahim Adam refused to provide his name to § 87(2)(b)

Allegation (AD) Abuse of Authority: Police Officer Abir Noor failed to provide § 87(2)(b) with a business card.

Allegation (AE) Abuse of Authority: Police Officer Ibrahim Adam failed to provide § 87(2)(b) with a business card.

It is undisputed that Police Officer Noor and Police Officer Adam detained § 87(2)(b) and Police Officer Noor frisked and searched him while he was handcuffed. Police Officer Adam and Police Officer Noor escorted § 87(2)(b) outside the building for a show up, where they ultimately released him without issuing him a summons.

§ 87(2)(b) stated that after he was taken into custody, he repeatedly asked Police Officer Adam for his name while in the apartment, the hallway, and downstairs from the apartment, but Police Officer Adam never provided it. Police Officer Noor and Police Officer Adam did not provide their business cards to § 87(2)(b) after they released him.

Police Officer Adam did not recall § 87(2)(b) requesting any officers' names during the incident and he had no knowledge of any officers refusing to provide this information to him at any point. When Police Officer Adam released § 87(2)(b) he provided him with a business card. Police Officer Adam stated he was required to provide § 87(2)(b) with a business card because he stopped him and prepared a Stop Report. When Police Officer Adam offered § 87(2)(b) a card, § 87(2)(b) declined it, but Police Officer Adam gave him one anyway. Upon viewing 29:48 to 30:23 of his own BWC video (**BR 12**), which did not show any card being given, Police Officer Adam stated he was certain he gave § 87(2)(b) a business card after his BWC footage ended. Police Officer Adam stated he did not give § 87(2)(b) a business card at the time he released him because they were still talking and walking back to the building.

Police Officer Noor stated that once § 87(2)(b) was released, he offered to provide his information, but he did not recall if he offered him a business card specifically. Police Officer Noor stated he was required to provide a business card to § 87(2)(b) during this incident and him offering his information was him offering his business card. § 87(2)(b) responded that he did not want any information and he walked away. Police Officer Noor had no knowledge of any other officers providing business cards to § 87(2)(b).

Stop Report #2020-075-000303 (**BR 21**), prepared by Police Officer Adam, states § 87(2)(b) was given a business card when he was released.

03:40 to 30:20 of Police Officer Adam's BWC footage (**BR 12**) captures from the moment § 87(2)(b) is taken into custody until he is released and does not depict him requesting Police Officer Adam's name or Police Officer Adam providing him a business card. At 30:25 into Police Officer Noor's BWC video (**BR 09**), Police Officer Noor asks § 87(2)(b) if he needs his information and § 87(2)(b) says no. Police Officer Noor does not offer a business card to § 87(2)(b).

NYC Administrative Code 14-174 (**BR 23**) states an officer shall offer a business card to a person at the conclusion of frisks, searches of persons, and pedestrian stops that do not result in an arrest or summons.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (AF) Abuse of Authority: Police Officer Christophe Desimone threatened to notify Administration for Children's Services.

Allegation (AG) Abuse of Authority: Police Officer Christophe Desimone threatened to arrest

§ 87(2)(b)

Allegation (AH) Abuse of Authority: Lieutenant Favio Quizhpi entered § 87(2)(b) in Brooklyn.

Allegation (AI) Abuse of Authority: Lieutenant Favio Quizhpi searched § 87(2)(b) in Brooklyn.

It is undisputed that Police Officer Desimone and Lieutenant Quizhpi spoke with § 87(2)(b) about consent to search when she arrived on scene. Police Officer Desimone mentioned arresting individuals inside the apartment and calling ACS if the officers obtained a warrant. § 87(2)(b) gave Lieutenant Quizhpi consent to search § 87(2)(b)'s bedroom and the living room. Officers began searching the kitchen and § 87(2)(b) revoked her consent. § 87(2)(b) told the officers to get out and they left the apartment.

§ 87(2)(b) stated that Police Officer Desimone told her that if she did not let the officers search the apartment, they would obtain a search warrant and involve ACS. § 87(2)(b) interpreted this statement as a threat and an attempt to convince her to consent to the search. Afterward, § 87(2)(b) consented to Lieutenant Quizhpi entering her apartment, which he did. Before § 87(2)(b) could say anything, approximately six or seven other officers entered without her permission, and they began searching § 87(2)(b)'s bedroom. Additional officers started searching the living room, the kitchen, and § 87(2)(b) bedroom. § 87(2)(b) told the officers to leave, and they did.

Police Officer Desimone stated he told § 87(2)(b) that if the officers obtained a search warrant, then ACS will have to be called. Police Officer Desimone explained that if the officers have a search warrant, then they had probable cause to go into the location, so ACS may still need to be notified even if the search warrant yielded negative results of any contraband, due to the probable cause that led to the search warrant being obtained. Police Officer Desimone stated he explained to § 87(2)(b) that arresting people in the apartment would be standard operating procedure if a firearm was recovered during a search warrant execution.

Lieutenant Quizhpi stated Police Officer Desimone explained the process of how a search warrant would be carried out when he made these statements, but he “did not do the best job of explaining this.” Lieutenant Quizhpi clarified that if contraband was found during a search warrant execution, people would be placed under arrest and ACS would be notified if children were involved. Lieutenant Quizhpi stated that arrests and the notification of ACS would only occur if contraband was found. Lieutenant Quizhpi did not document § 87(2)(b) consent in a search form, memo book, or any department forms but did record this aspect of the incident on BWC.

At 03:52 into Lieutenant Quizhpi's first of two BWC videos (**BR 24**), Police Officer Desimone tells § 87(2)(b) he has intelligence that § 87(2)(b) has a firearm, and it is likely it is in his bedroom. Police Officer Desimone explains the officers can get a search warrant, everyone in

the house gets put under arrest, and they turn everything upside-down. PO Desimone says that there are children inside so ACS would get involved. § 87(2)(b) walks away.

At 01:00 into Lieutenant Quizhpi's second BWC video (**BR 25**), which based on the running clock on the footage, begins approximately two minutes after the conclusion of his first video, § 87(2)(b) tells him he can come inside the apartment. Lieutenant Quizhpi asks, "We could look inside the room and everything?" and § 87(2)(b) says yes. Lieutenant Quizhpi instructs two more officers to come inside the apartment and search § 87(2)(b)'s bedroom. At 01:50 into the video, § 87(2)(b) is standing in the doorway of the bedroom. Lieutenant Quizhpi says, "So, with your permission, we can look around and everything?" § 87(2)(b) says to just not break anything.

At 07:45 into the video, Lieutenant Quizhpi tells § 87(2)(b) he is concerned § 87(2)(b) may have moved something since he did not open the door right away. § 87(2)(b) asks Lieutenant Quizhpi, "You wanna go look in the girls' room? Come on." § 87(2)(b) walks into the living room with Lieutenant Quizhpi, and he says he wants to look around. § 87(2)(b) tells him to go ahead, and he begins searching. At 21:00 into the video, Lieutenant Quizhpi tells the other officers § 87(2)(b) said they could look around. At 21:20 into the video, an officer opens a freezer in the kitchen and § 87(2)(b) tells the officers they are doing too much. § 87(2)(b) says she did not tell the officers they could come in her kitchen. § 87(2)(b) says, "I told him to come in." § 87(2)(b) tells the officers to get out and they leave the apartment. At 22:10 into the video, Lieutenant Quizhpi apologizes to § 87(2)(b) says it was his mistake, and says he told the other officers to search around.

New York City Administrative Code 14-173 (BR 49) states an officer must secure consent to search from a person without threats or promises of any kind being made to such person. That officer must document the time, location, and date of such search, and the apparent race/ethnicity, gender, and age of the person who was the subject of such search, and such officer's name, precinct, and shield number. That officer who seeks consent to search must also create a video record of the information communicated pursuant to obtaining consent and the person's response to such information when such officer is equipped with a body-worn camera issued by the department. Officers must also refrain from conducting a search for where consent has not been obtained.

Patrol Guide Procedure 215-03 (BR 50) states officers must notify ACS when they believe a child has been abused, neglected, or maltreated. The Patrol Guide defines a neglected child as a child under 18 years old whose parent or person legally responsible for their care creates or allows to be created a substantial risk of physical injury other than by accidental means.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (AJ) Abuse of Authority: Lieutenant Favio Quizhpi failed to provide § 87(2)(b) with a business card.

It is undisputed that the officers searched § 87(2)(b) apartment under the instruction of Lieutenant Quizhpi, and Lieutenant Quizhpi did not provide § 87(2)(b) with a business card. No civilians were arrested or summonsed.

Lieutenant Quizhpi stated that prior to leaving § 87(2)(b) apartment following the search, § 87(2)(b) asked Lieutenant Quizhpi for his name, and he offered her a business card. Lieutenant Quizhpi reached into his pocket and realized he did not have any cards on his person, so he told § 87(2)(b) he would write down his information for her. § 87(2)(b) told Lieutenant Quizhpi that he did not need to do this and that she would just take a picture of his shield instead. Lieutenant Quizhpi stated that if he had written down his information, he would have included his rank, name, and command, because this was the information that § 87(2)(b) would have received on his business card. Lieutenant Quizhpi stated he was required to provide his business card to § 87(2)(b) because she asked for his information.

At 24:25 into Lieutenant Quizhpi's BWC footage (BR 25), § 87(2)(b) says, "Officer-" as she looks at Lieutenant Quizhpi's chest. Lieutenant Quizhpi says, "Lieutenant Quizhpi" and asks § 87(2)(b) if she wants him to write it down for her because he does not have a contact card. § 87(2)(b) says no and picks up her phone and Lieutenant Quizhpi says, "That's even better. Take a picture." § 87(2)(b) takes a photo of Lieutenant Quizhpi.

NYC Administrative Code 14-174 (BR 23) states that an officer shall offer a business card to a person at the conclusion searches of property. When an officer does not have an adequate number of pre-printed business cards on their person, they must offer to provide their name, rank, shield number, and command on a hand-written card.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
- This is the first complaint to which § 87(2)(b) [REDACTED] has been a party (**BR 05**).
- § 87(2)(b) [REDACTED] has been a party to two complaints and has not been named a victim in any allegations (**BR 06**).
- § 87(2)(b) [REDACTED] has been a party to one complaint and has been named as a victim in one allegation (**BR 68**).
 - 201806210 involved an allegation of gun pointed, which was closed as complainant uncooperative.
- Lieutenant Quizhpi has been a member of service for 13 years and has been a subject in 16 complaints and 42 allegations.
 - 201910837 involved a substantiated allegation of discourtesy, for which the Board recommended Command Discipline A and the NYPD did not impose discipline.
 - § 87(2)(g) [REDACTED]
- Police Officer Noor has been a member of service for six years and has been a subject in 14 complaints and 38 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Police Officer Espinal has been a member of service for five years and has been a subject in seven complaints and 18 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Sergeant Mehirdel has been a member of service for 10 years and has been named a subject in two complaints and three allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

